

IN THE CLAIMS:

The following is a complete listing of the claims in this application, reflects all changes currently being made to the claims, and replaces all earlier versions and all earlier listings of the claims:

1. (Canceled)

2. (Currently Amended) A communication apparatus comprising:  
an image processor, arranged to process color and monochrome images;  
a communication controller, arranged to control a communication with a partner apparatus; and

a setter, arranged to set whether a transmission processing method of a color image is transmitted as a monochrome image or not when in accordance with color reception performance of the partner apparatus does not have color reception performance; and  
a mode controller, arranged to control a switch between a memory transmission mode which starts transmission of an image after the image is stored in a memory, and a direct transmission mode which generates an image to be transmitted after the communication with the partner apparatus is started,

wherein when transmission of a color image is instructed, the mode communication controller selects the memory controls transmission mode of an image in accordance with information that pertains to the color reception performance of the partner apparatus and a setup state of if the transmission of the color image as a monochrome image is

inhibited by the setter, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted by the setter.

3. (Canceled)

4. (Currently Amended) The apparatus according to claim ~~[[3]]~~ 2, wherein when the partner apparatus does not have the color reception performance, and the setter inhibits the transmission of ~~is set to inhibit the color image from being sent as a monochrome image, the mode communication controller cancels the transmission of an image, and outputs a message that prompts to transmit change the setup so as to send the color image as a monochrome image to the partner apparatus.~~

5. (Currently Amended) The apparatus according to claim ~~[[3 ]]~~2, wherein when the partner apparatus does not have the color reception performance, and the setter permits the transmission of ~~is set to permit the color image to be sent as a monochrome image, the mode communication controller outputs a message indicating that indicates a monochrome the color image has been transmitted instead of the color is sent as a monochrome image.~~

6. (Currently Amended) The apparatus according to claim ~~[[3 ]]~~2, wherein when ~~the partner apparatus does not have color reception performance, and the setter inhibits the transmission of~~ is set to inhibit the ~~a color image from being sent as a monochrome image, the mode communication controller accepts a simulcast instruction, and when the setter is set to~~

~~permit the color image to be sent as a monochrome image permits that, the mode communication controller does not accept a simulcast instruction.~~

7-10. (Canceled)

11. (Currently Amended) The apparatus according to claim 2, wherein the ~~mode communication~~ controller outputs the number of pages transmitted ~~sent~~ as color images and the number of pages transmitted ~~sent~~ as monochrome images.

12-16. (Canceled)

17. (Currently Amended) A control method of controlling a communication apparatus having an image processor which processes color and monochrome images, and a communication controller which controls a communication with a partner apparatus, ~~and a setter which sets a transmission processing method of a color image in accordance with color reception performance of the partner apparatus,~~ comprising the step of:

setting whether a color image is transmitted as a monochrome or not when the partner apparatus does not have color reception performance; and

controlling a switch between a memory transmission mode which starts transmission of an image after the image is stored in a memory, and a direct transmission mode which generates an image to be transmitted after the communication with the partner apparatus is started,

wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode of an image in accordance with information that pertains to the color reception performance of the partner apparatus and is obtained from the communication controller, and a setup state of the setter if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step.

18-19. (Canceled)

20. (Currently Amended) A computer program ~~product comprising a computer readable medium having a computer program code,~~ for a control method of controlling a communication apparatus having an image processor which processes color and monochrome images, and a communication controller which controls a communication with a partner apparatus, ~~and a setter which sets a transmission processing method of a color image in accordance with color reception performance of the partner apparatus, the method comprising process procedure code for the steps of:~~

setting whether a color image is transmitted as a monochrome image or not when the partner apparatus does not have color reception performance; and

controlling a switch between a memory transmission mode which starts transmission of an image after the image is stored in a memory, and a direct transmission mode which generates an image to be transmitted after the communication with the partner apparatus is started,

wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode of an image in accordance with information that pertains to the color reception performance of the partner apparatus and is obtained from the communication controller, and a setup state of the setter if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step.

21. (Currently Amended) A computer program product stored on ~~comprising~~ a computer readable medium comprising ~~having~~ a computer program code, for a control method of controlling a communication apparatus having an image processor which processes color and monochrome images, and a communication controller which controls a communication with a partner apparatus, ~~and a setter which sets whether a color or monochrome image is to be sent in each image, the method~~ comprising ~~process procedure code for the steps of:~~

setting whether a color image is transmitted as a monochrome image or not when the partner apparatus does not have color reception performance; and

controlling a switch between a memory transmission mode which starts transmission of an image after the image is stored in a memory, and a direct transmission mode which generates an image to be transmitted after the communication with the partner apparatus is started,

wherein when transmission of a color image is instructed, the controlling step selects the memory transmission mode of an image in accordance with information that pertains to the color reception performance of the partner apparatus, and is obtained from the

~~communication controller, and a setup state of the setter if the transmission of the color image as a monochrome image is inhibited in the setting step, or the direct transmission mode if the transmission of the color image as a monochrome image is permitted in the setting step.~~

22. (New) The method according to claim 17, further comprising the step of canceling the transmission of an image, and outputting a message that prompts to transmit a monochrome image to the partner apparatus, when the partner apparatus does not have the color reception performance, and the transmission of the color image as a monochrome image is inhibited in the setting step.

23. (New) The method according to claim 17, further comprising the step of outputting a message that indicates a monochrome image has been transmitted instead of the color image, when the partner apparatus does not have the color reception performance, and the transmission of the color image as a monochrome image is permitted in the setting step.

24. (New) The method according to claim 17, further comprising the step of accepting a simulcast instruction, wherein the simulcast instruction is acceptable when the transmission of a color image as a monochrome image is inhibited in the setting step, and the simulcast instruction is unacceptable when that is permitted in the setting step.

25. (New) The apparatus according to claim 17, further comprising the step of outputting the number of pages transmitted as color images and the number of pages transmitted as monochrome images.